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Boehringer Ingelheim
Pharmaceuticals Inc.

571-273-8300

Page 1 of 8

April 07, 2006

Serial No.: 10/647,156
Atty. Docket.: 1/1387

Filed: 8/22/2003
Art Unit: 1624

Kellyann Parrillo
Telephone 203-778-7816
Telefax 203-798-4408
E-Mail
kparrill@rdg.boehringer-
ingelheim.com

Dear SIR;

Please find transmitted herewith a Transmittal Letter Requesting Correction of Response Submitted with Incorrect Serial Number, a copy of the original submission, including postcard and petition for extension of time for a total of eight pages including this cover page.

900 Ridgebury Rd/P.O. Box 368
Ridgefield, CT 06877-0368

Should you not receive all eight pages of this transmission, please contact me at 203-778-7816. Thank you.

Best regards,

Kellyann Parrillo
Administrative Assistant to
David A. Dow, Reg. No. 46,124
IP Counsel, II
Boehringer Ingelheim
Pharmaceuticals, Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Stenkamp et al)	Art Unit:	1624
Serial No: 10/647,156)	Examiner:	Truong, Tamthom,
Filed: 08/22/2003)	Docket No.:	1/1387

For: New Carboxamide Compounds having Melanin Concentrating Hormone Antagonistic Activity, Pharmaceutical Preparations Comprising these Compounds and Process for their Manufacture

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER REQUESTING CORRECTION OF RESPONSE
SUBMITTED WITH INCORRECT SERIAL NUMBER

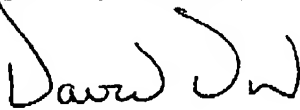
Sir:

Applicant replied to the restriction requirement in the instant application on March 14, 2006 listing the incorrect serial number (10/402,017) on the response. The return postcard that was submitted had the correct serial number. Applicant contacted the Examiner (Tanthom Truong) in the instant case on March 22, 2006 in attempt to remedy the error. The Examiner suggested that the Response may shortly thereafter be correctly routed by the Examiner of the case with the incorrect serial number. When applicant checked the status of the case on the PAIR system this did not seem to occur. Applicant contacted Examiner Truong again on April 7, 2006 and the Examiner indicated that the routing of the response may have been complicated by fact that the response included an extension of time. Applicant requests that if the payment of the extension of time had been applied to SN 10/402, 017 that the payment be transferred to the correct case SN 10,647,156. It is believed that an additional month extension is not necessary since the Response was sent, albeit with the wrong SN on the paper. However, if additional

extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a) and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 02-2955.

A copy of the Response (with the corrected Serial Number) and return post card sent on March 14, 2006 are submitted herein.

Respectfully submitted,



David A. Dow
Attorney for Applicant(s)
Reg. No. 46,124

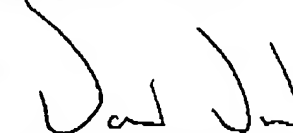
Patent Department
Boehringer Ingelheim Corp.
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT 06877
Tel: (203) 791-6214

Docket No. 1/1387

Certificate of Transmission

I hereby certify that this correspondence is being transmitted to the USPTO at Facsimile #571-273-8300:

on April 7, 2006



David A. Dow, Reg. 46,124

APPLICANT(S): Dirk STENKAMP et al
SERIAL NO.: 10/647,156
CONFIRMATION NO.: 1272
FILING DATE: August 22, 2003
DOCKET NO.: 1/1387
TITLE: NEW CARBOXAMIDE
COMPOUNDS HAVING MELANIN
CONCENTRATING HORMONE ANTAGONISTIC
ACTIVITY, PHARMACEUTICAL PREPARATIONS
COMPRISING THESE COMPOUNDS AND
PROCESS FOR THEIR MANUFACTURE

✓ IN CONNECTION WITH THE ABOVE CASE,
PLEASE DATE STAMP TO ACKNOWLEDGE
RECEIPT OF THE DOCUMENTS LISTED BELOW,
AND RETURN TO ADDRESSEE.

1. Response to Restriction Requirement dated
12/14/2005 (3 pages)
2. Petition for Extension of Time Under 37 CFR
1.136(a) (1 page)

Mailed: March 14, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Stenkamp et al) Art Unit: 1624
Serial No: ~~10/402,017~~) Examiner: Truong, Tamthorn,
Filed: 08/22/2003) Docket No.: 1/1387

**For: New Carboxamide Compounds having Melanin Concentrating
Hormone Antagonistic Activity, Pharmaceutical Preparations Comprising these
Compounds and Process for their Manufacture**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

The Examiner imposed a restriction requirement in the instant application. The Examiner alleged that the claims of the instant application include 16 different groups including Groups I and Group II as follows:

Group I: Claims 1-3, 6, 9-11, 13, 16, 20-23, 26-30, 32 and 44 drawn to compounds the wherein formula I is formula I-1 and pharmaceutical composition thereof.

Group II: Claims 1-3, 6, 9-11, 13, 16, 20-23, 26-30, 32 and 44 drawn to compounds wherein formula I is I-2 and pharmaceutical composition thereof.

In response to that restriction requirement, applicants hereby elect with traverse to prosecute in this application the subject matter of Group I, claims 1-3, 6, 9-11, 13, 16, 20-23, 26-30, 32 and 44. Applicants submit that Groups I and II wherein the groups and substituents are defined as in the specification page 49 and 50 are sufficiently related

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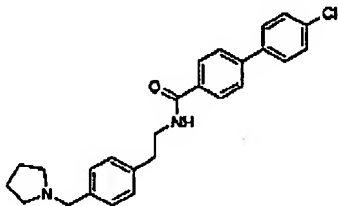
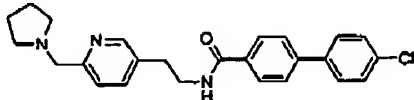
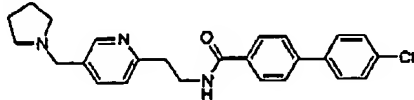
such that the search for relevant art for one Group would be expected to uncover prior art that is relevant to the other Group, since Group I and Group II involve substantially the same components. Thus, a search for relevant art and subsequent examination would not be an undue burden on the Examiner and restriction should be withdrawn. M.P.E.P.

§803. It is therefore respectfully requested that the Examiner reconsider the restriction and advance the subject matter of Groups I and II for prosecution.

The common structural elements in the above formulae I-1 and I-2 are:

- the amine group connected via a spacer group X to the group Y which is phenyl (U=CH) or pyridyl (U=N);
- the amide group is linked to the group Y via an ethylene spacer;
- the group A-B (being biphenyl or pyridyl-phenyl) is linked to the carbonyl-group of the amide-group.

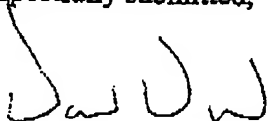
The flexibility in the group Y, i.e. phenyl or pyridyl, whereby the pyridyl may be oriented according to the formula I-1 or I-2, is illustrated by the following examples:

Example	Structure	IC ₅₀ (nM)
2,1 (page 146)		< 20 nM
2,118 (page 270)		< 20 nM
2,119 (page 274)		< 20 nM

Applicants reserve the right to prosecute in one or more divisional applications whatever subject matter is not examined or allowed here.

Authorization for payment of fees for a two month extension of time for reply to the Office Action is hereby given. It is not believed that any other fees are required beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a) and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 02-2955.

Respectfully submitted,



David A. Dow
Attorney for Applicant(s)
Reg. No. 46,124

Patent Department
Boehringer Ingelheim Corp.
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT 06877
Tel: (203) 791-6214

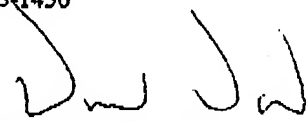
Docket No. 1/1387

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner of Patents
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on March 14, 2006



David A. Dow, Reg. 46,124

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Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>		Docket Number (Optional) 1/1387	
Application Number 10/402,017		Filed 8/22/2003	
For <small>NEW CARBOXAMIDE COMPOUNDS HAVING MELANIN CONCENTRATING HORMONE ANTAGONISTIC ACTIVITY, PHARMACEUTICAL PREPARATIONS COMPRISING THESE COMPOUNDS AND PROCESS FOR THEIR MANUFACTURE</small>			
Art Unit 1624		Examiner Truong, Tamthom	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ 450.00
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 02-2955. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. / Provide credit card information and authorization on PTO-2038.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 46,124

☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

David A. Dow Signature March 14, 2006 Date

David A. Dow Typed or printed name 203-791-6214 Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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